



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MARTIN BOWE
Tel.: (212) 356-0894
Cell.: (646) 498-7178
mbowe@law.nyc.gov

July 24, 2020

By ECF and Electronic Mail

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 1007

MEMO ENDORSED

Re: *S.I., et al., v. N.Y.C. Dep't of Educ.* 20-cv-03614 (KPF) (RWL)

Dear Judge Failla:

I am Assistant Corporation Counsel in the office of Corporation Counsel James E. Johnson, attorney for Defendant in the above-referenced action wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I write to respectfully request an adjournment of conference scheduled for July 28, 2020 at 12:00 p.m., to September 21, 2020 or date thereafter convenient for the Court, as well as a second extension of Defendant's time to respond to the complaint, from July 31, 2020, to September 11, 2020. Plaintiff consents to this request.

The need for the extension is to provide Defendant with sufficient time to re-assign this matter to an attorney who will become acquainted with the record, review the relevant billing records and work toward settlement. I note that my office and Plaintiff's counsel's office have achieved full settlement of all similar cases over the past several years. Thus, I anticipate that the parties are extremely likely to settle this action fully, relieving the Court of the burden of further litigation.

Extraordinary circumstances give rise to the need for this request. Due to the sudden and mandated termination on April 10, 2020, of the employment of six attorneys who handled all IDEA fees litigation (whom I supervised)—which resulted from the fiscal impact the pandemic on the City—this case could not be assigned to an Assistant Corporation Counsel in the weeks after service and during the remote-work transition difficulties. Due to an administrative error, I

thought that I had successfully assigned this case to an Assistant Corporation Counsel four weeks ago, but in fact the case had not been accepted by that attorney.

Defendant respectfully requests an additional extension of its time to respond to the complaint to September 11, 2020, and that the initial conference be adjourned to September 21, 2020 or a date thereafter convenient for the Court.

Thank you for considering these requests.

Respectfully submitted,

/s/

Martin Bowe
Senior Counsel

cc: Adam Dayan, Esq (via ECF)
Hon. Katherine Polk Failla, U.S.D.J. (via Failla_NYSDChambers@nysd.uscourts.gov)

Application GRANTED. The conference scheduled for July 28, 2020, is hereby ADJOURNED to September 21, 2020 at 10:00 a.m. At 10:00 a.m. the parties shall call (888) 363-4749 and enter access code 5123533. Please note, the conference will not be available prior to 10:00 a.m. Defendant shall respond to the complaint on or before September 11, 2020. The Clerk of Court is directed to terminate the motions pending at docket entries 10 and 11.

Dated: July 27, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE